



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,759	02/04/2004	Nathan Gottlieb	GNA-101-A	3667

7590 03/04/2005

ANDREW R. BASILE
YOUNG & BASILE,P.C.
3001 WEST BIG BEAVER
SUITE 624
TROY, MI 48084-3107

EXAMINER

CONLEY, FREDRICK C

ART UNIT	PAPER NUMBER
----------	--------------

3673

DATE MAILED: 03/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/771,759

Applicant(s)

GOTTLIEB, NATHAN

Examiner

FREDRICK C CONLEY

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-12, 14 and 15 is/are rejected.
- 7) ☒ Claim(s) 9, 13 and 16-20 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/17/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3, 6-8, and 10-12 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No. 6,807,696 to Magistretti.

Claim 1, Magistretti discloses an apparatus 1 for limiting movement of a pillow relative to a bed comprising: at least one flexible member 21 engageable with the pillow, and a weight suspended from the edge of the bed with the flexible member.

Claim 3, wherein the at least one flexible member further comprises a tube.

Claim 6, wherein the at least one flexible member is movably associated with the at least one weight.

Claim 7, further comprising: means 22a for limiting movement of the at least one flexible member relative to the at least one weight.

Claim 8, wherein the at least one weight further comprises: at least one channel 14 wherein the at least one flexible member is received in the at least one channel.

Claim 10, Magistretti discloses a method for limiting movement of a pillow relative to a bed comprising the steps of:
engaging at least one flexible member 112 with the pillow

Art Unit: 3673

suspending at least one weight 22 from the edge of the bed.

Claim 11, further comprising the step of:

Selectively spacing the at least one weight and the pillow with respect to one another along a length of the at least one flexible member (col. 2 lines 20-25)(Taylor).

Claim 12, further defining a channel 14 with the at least one weight and positioning the at least one flexible member in the channel.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,666,426 to Taylor in view of U.S. Pat. No. 6,030,085 to Leam et al.

Claim 1, Taylor discloses an apparatus 100 for limiting movement of a pillow relative to a bed comprising: at least one flexible member (112) engageable with the pillow. Taylor fails to disclose a weight suspended from the edge of the bed. Leam discloses a support assembly including a suspended weight 71 with the at least one flexible member 60. It would have been obvious to employ the weight as taught by Leam with the apparatus of Taylor in order to provide an easily adjustable support assembly.

Claim 2, wherein the at least one flexible member is releasibly engageable 120 with the pillow.

Art Unit: 3673

Claim 3, wherein the at least one flexible member further comprises a tube defined by the weighted cloth bag.

Claim 4, Taylor, as modified, discloses all of the Applicant's claimed limitations except for the at least one flexible member further comprises a string. It is well known that a strap and string are equivalent means for connecting and it would have been obvious for one having ordinary skill in the art at the time of the invention to employ an equivalent connecting means, such as a string, in order to provide a means to suspend the weighted cloth bag.

Claim 5, wherein the at least one flexible member comprises: a plurality of flexible members (110,112) concurrently engageable with the pillow and with the at least one weight.

Claim 6, wherein the at least one flexible member is movably associated with the at least one weight.

Claim 7, further comprising: means for limiting movement 122 of the at least one flexible member relative to the at least one weight (Taylor).

Claim 10, Taylor discloses a method for limiting movement of a pillow relative to a bed comprising the steps of:
engaging at least one flexible member 112 with the pillow. Taylor fails to disclose a weight suspended from the edge of the bed. Learn discloses a support assembly including a suspended weight 71 with the at least one flexible member 60. It would have been obvious to employ the weight as taught by Learn with the apparatus of Taylor in order to provide an easily adjustable support assembly.

Art Unit: 3673

Claim 11, further comprising the step of:

selectively spacing the at least one weight and the pillow with respect to one another along a length of the at least one flexible member (col. 2 lines 20-25)(Taylor).

Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,666,426 to Taylor in view of U.S. Pat. No. 6,807,696 to Magistretti.

Claim 14, Taylor discloses an apparatus 100 for limiting movement of a pillow relative to a bed comprising: at least one flexible member (112) engageable with the pillow. Taylor fails to disclose a weight suspended from the edge of the bed. Magistretti discloses a support assembly including a suspended weight 22 with the at least one flexible member 22. It would have been obvious to employ the weight as taught by Magistretti with the apparatus of Taylor in order to provide an easily adjustable support assembly. Taylor also fails to disclose a second clip and second flexible member. It would have been obvious for one having ordinary skill in the art at the time of the invention to employ a second clip and second flexible member since it is considered a mere duplication of parts.

Claim 15, further comprises a channel 14 wherein the flexible member is positionable in the channel. Taylor fails to disclose a second channel. It would have been obvious for one having ordinary skill in the art at the time of the invention to employ a second channel since it is considered a mere duplication of parts.

Art Unit: 3673

Allowable Subject Matter

Claims 9, 13 and 16-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FREDRICK C CONLEY whose telephone number is 703-308-7468. The examiner can normally be reached on M-TH.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, HEATHER SHACKELFORD can be reached on 703-308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FC



HEATHER SHACKELFORD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600